

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NELLIE PACHECO,

Plaintiff,

Civil Action No.:

NOTICE OF REMOVAL

- against -

BJ'S WHOLESALE CLUB, INC., BJ'S WHOLESALE
CLUB HOLDINGS, INC. and RPAI PELHAM MANOR,
L.L.C.,

Defendants.
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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, BJ'S WHOLESALE CLUB, INC. i/s/h/a BJ'S WHOLESALE CLUB, INC.
and BJ'S WHOLESALE CLUB HOLDINGS ("BJ's") (hereinafter "Defendant"), upon
information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. 1441, as follows:

1. On or about January 25, 2021, the above-captioned civil action was commenced
and is now pending in the Supreme Court of the State of New York, County of Bronx. A trial has
not yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit "A"**. A
copy of the affidavits of service are annexed as **Exhibit "B"**.

2. On or about February 3, 2021, Defendants filed their Verified Answer to plaintiff's
Complaint. A copy of Defendants' Verified Answer is annexed as **Exhibit "C"**.

3. The action seeks monetary damages for personal injuries allegedly suffered by
plaintiff, NELLIE PACHECO, after she allegedly tripped and fell on a box while she was at a
BJ's Club located at 825 Pelham Parkway, Pelham, New York. Plaintiff's Complaint sounds in
negligence. See Exhibit A.

4. On or about April 27, 2021, plaintiff discontinued her complaint against co-defendant RPAI. A copy of the e-filed Stipulation of Discontinuance as to RPAI only is annexed as **Exhibit “D”**.

5. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; and (b) Petitioner, Defendant, BJ’s is now and was at the time the action was commenced a corporation incorporated in the State of Delaware with its principal place of business in the State of Massachusetts.

6. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Petitioner and Plaintiff.

7. In addition, annexed as **Exhibit “E”** is e-mail correspondence from plaintiff’s counsel, dated July 7, 2021, in which counsel confirmed that plaintiff is seeking \$1.5 million in compensatory damages as a result of the subject accident.

8. This Notice of Removal is being filed within thirty (30) days of receipt of plaintiff’s written allegation that her alleged damages exceed \$75,000. See Exhibit E.

9. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

10. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Bronx, promptly after the filing of this Notice.

11. Attached to this Notice and by reference made a part hereof are true and correct copies of all process and pleadings filed herein.

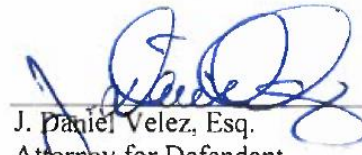
12. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it.

WHEREFORE, Defendant requests that the above-captioned action now pending in the Supreme Court in the State of New York, County of Bronx, be removed therefrom to this Honorable Court.

Dated: Garden City, New York
July 15, 2021

GOLDBERG SEGALLA LLP

By:



J. Daniel Velez, Esq.
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